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9

10 **UNITED STATES BANKRUPTCY COURT**

11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 In re: MARGO D. BIRK

Case No.: 22-03256-MM7

13 Debtor,

Adversary Case No.: 23-90016-MM

14 MARGO D. BIRK,

15 Plaintiff,

**STIPULATION FOR SECOND
EXTENSION OF DEFENDANT'S
TIME FOR FILING RESPONSE TO
COMPLAINT**

16 v.

17 U.S. DEPARTMENT OF EDUCATION;
18 and, DOES 1 to 5, Inclusive

19 Defendants.
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23 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff Margo D.
24 Birk and Defendant U.S. Department of Education, through their respective counsel of
25 record, as follows:

26 **RECITALS**

27 A. Plaintiff filed a Chapter 7 bankruptcy petition on December 26, 2022.
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1 B. On March 24, 2023, Plaintiff filed a complaint, commencing the present
2 adversary proceedings, seeking dischargeability of student loans obligations under 11
3 U.S.C. § 523(a)(8).

4 C. In November 2022, the U.S. Department of Justice and U.S. Department of
5 Education put forth new guidance and processes for individuals who seek to discharge
6 federal student loans in bankruptcy proceedings.

7 D. Given the new guidance and processes, the parties are currently in the process
8 of working towards an extrajudicial resolution of the complaint.

9 E. On January 19, 2024, the parties stipulated to extending the deadline for
10 Defendant to respond to Plaintiff's Complaint through June 6, 2024. The Court granted the
11 parties' first stipulation on January 23, 2024.

12 F. The parties continue to positively engage in efforts to extrajudicially resolve
13 this matter.

14 E. To allow for the parties to continue in their efforts to resolve this matter, the
15 parties jointly seek a 60-day extension of the deadline for Defendant to respond to the
16 complaint, through and including August 5, 2024.

17 **AGREEMENT**

18 Subject to the approval of the Bankruptcy Court, the deadline for Defendant to
19 respond to the complaint is extended to and including August 5, 2024.

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21 IT IS SO STIPULATED.

22
23 Date: June 3, 2024

Respectfully submitted,

24 By s/ Scott R. Burton
25 SCOTT R. BURTON
26 Attorney for Plaintiff
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28

1 Date: June 3, 2024

Respectfully submitted,

2 TARA K. McGRATH
3 United States Attorney

4 By /s/ Erin Dimbleby
5 ERIN M. DIMBLEBY
6 Assistant United States Attorney
7 Attorneys for Defendant
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10 **SIGNATURE CERTIFICATION**

11 Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies
12 and Procedures, I hereby certify that the content of this document is acceptable to Scott R.
13 Burton, counsel for Plaintiff, and that I have obtained authorization to affix his signature
14 to this document.

15 Date: June 3, 2024

By /s/ Erin Dimbleby
16 ERIN M. DIMBLEBY
17 Assistant United States Attorney
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